

EXHIBIT LIST

EXHIBIT A

Affidavit of Service, Special Process Server

EXHIBIT B

Sworn Declaration Pursuant To 28 U.S.C.A. § 1746
James Rosemeyer, Contributions Manager

EXHIBIT C

Sworn Declaration Pursuant To 28 U.S.C.A. § 1746
Daniel P. McAnally, Plaintiffs Attorney

Exhibit A

Exhibit A

AO 440 (Rev. 05/00) Summons in a Civil Action

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

The Trustees of the Chicago Regional Council
of Carpenters Pension Fund et al.,

CASE NUMBER:

07C 6156

V.

ASSIGNED JUDGE:

JUDGE RONALD GUZMAN

Johnson & Piper Builders, Inc.

DESIGNATED

MAGISTRATE JUDGE:

MAGISTRATE JUDGE KEYS

TO: (Name and address of Defendant)

Johnson & Piper Builders, Inc.
c/o Martin Johnson, R.A.
502 E 3300 North
Chebanse, IL 60922

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Karl E. Masters
Whitfield, McGann & Ketterman
111 East Wacker Drive, Suite 2600
Chicago IL 60601

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

MICHAEL W. DOBBINS, CLERK

(By) DEPUTY CLERK

Janelle Heuser

OCT 31 2007

DATE

ClientCaseID: N7529/KEM

CaseID: 167321

Law Firm ID: WHITFIEL



CaseReturnDate: 11/30/07

Affidavit of Special Process Server

UNITED STATES DISTRICT COURT

Case Number 07C6156

I, *CHRIS MORRICAL*

FIRST DULY SWORN ON OATH STATES THAT I AM OVER 18 YEARS OF AGE AND NOT A PARTY TO THIS SUIT AND IS A REGISTERED EMPLOYEE OF ILLINOIS DEPARTMENT OF PROFESSIONAL REGULATION PRIVATE DETECTIVE AGENCY #117-001126 Diligent Detective Agency, LTD. 105 W. 3RD AVENUE, CLIFTON IL 60927.

THAT HE SERVED THE WITHIN **SUMMONS AND COMPLAINT**ON THE WITHIN NAMED DEFENDANT **Johnson & Piper Builders, Inc .**

() PERSONAL SERVICE: IN THAT I PERSONALLY DELIVERED THE PROCESS TO THE DEFENDANT.

() ABODE/SUBSTITUTE SERVICE:

I SERVED A MEMBER OF HOUSEHOLD 13 YEARS OF AGE OR OLDER AT THE DEFENDANTS USUAL PLACE OF ABODE AND INFORMED THAT PERSON OF THE CONTENTS THEREOF AND FURTHER MAILED A COPY OF THE SUMMONS OR PROCESS IN A SEALED ENVELOPE WITH POSTAGE PREPAID TO THE DEFENDANT, AT HIS USUAL PLACE OF ABODE WITHIN TWO BUSINESS DAYS OF THE SERVICE.

☒ CORPORATE SERVICE: IN THAT I SERVED THE DEFENDANT CORPORATION BY LEAVING COPY OF THE PROCESS WITHIN THE PERSON LISTED BELOW

() UNABLE TO SERVE/NON SERVICE AFFIDAVIT: I WAS UNABLE TO SERVE THE DEFENDANT

Date Of Service: *11-15-07*Time of Service: *16:33 PM*

Date Of Mailing

PERSON SERVED

*MARTIN JOHNSON, REGISTERED AGENT*Age *38*

Sex

MALE

Race

WHITE

Height

5'9

Build

Med.

Hair

Black/grey

LOCATION OF SERVICE

*502 E 3300 North**Chebanse, IL, 60922*

Under penalties of perjury as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statement are true and correct, except as to matters therein stated to be on information and belief and such matters the undersigned certifies as aforesaid that he/she verily believes same to be true.

AGENCY NAME: Diligent Detective Agency, LTD

NAME OF SERVER:

DATE:

ADDRESS: 105 W. 3RD AVENUE

CITY: CLIFTON

ST: IL

ZIP 60927

PHONE: (815)-694-3332

Exhibit B

Exhibit B

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUSTEES of the CHICAGO REGIONAL
COUNCIL OF CARPENTERS PENSION
FUND, et al.

Plaintiffs,

V.

JOHNSON & PIPER BUILDERS, INC.

Defendant.

Case No. 07 C 6156

Judge Guzman

SWORN DECLARATION PURSUANT TO 28 U.S.C.A. § 1746

James Rosemeyer declares as follows:

1. I am the Manager of the Employer Contributions Department for the Chicago Regional Council of Carpenters Pension Fund and the Chicago Regional Council of Carpenters Welfare Fund ("Trust Funds") and in such capacity I am authorized to make this Declaration on behalf of the Trust Funds.

2. The Defendant executed an Agreement with the Chicago and Northeast Illinois Regional Council of Carpenters ("Union") whereby it agreed to be bound by the provisions of a Collective Bargaining Agreement and to all Collective Bargaining Agreements subsequently negotiated.

3. Pursuant to the provisions of the Agreement and the Collective Bargaining Agreements, the Defendant agreed to be bound by the provisions of the Agreements and Declarations of Trust, which created the Plaintiffs' Trust Funds.

4. Pursuant to the provisions of the Collective Bargaining Agreements and Trust Agreements, the Defendant is required to submit monthly reports which list the number of hours worked by its carpenter employees and the Defendant is required to pay contributions based upon the hours listed.

5. The Defendant submitted the contribution reports for the period July 2007 through September 2007 but did not pay the contributions. The reports show that \$11,922.37 is owed in ERISA contributions. The Defendant also failed to remit the union dues it withheld from the employees' wages. The amount of dues withheld is \$1,609.16 for the period August 2007 through September 2007.

6. Because of its failure to pay contributions in a timely manner, the Trust Agreement and Collective Bargaining Agreement mandate the assessment of liquidated damages. The liquidated damages calculation was based on the rate set forth in the controlling Trust Agreements, which is 1.5% compounded per month. The amount of liquidated damages owed is \$1,424.54 for the period May 2007 through September 2007.

7. The interest calculation is based on the ERISA Section awarding such interest, 29 U.S.C. §1132(g)(2) and because the relevant Trust Agreements do not specify the rate of interest, the calculations were done pursuant to Section 6621 of the Internal Revenue Code. The amount of interest owed is \$336.82.

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Declaration is true and correct.

Date: January 31, 2008

Signature: 

1/31/2008

Johnson & Piper Builders, Inc.
356 E Kay Street
Herscher, IL 60941

Account # 24103

<u>Contribution Month</u>		<u>Liquidated Damages</u>	<u>Interest</u>	<u>Dues</u>
May-07		\$180.49		
Jun-07		\$481.23		
Jul-07	\$2,806.14	\$262.21	\$99.89	
Aug-07	\$5,568.73	\$339.16	\$159.29	\$1,011.05
Sep-07	<u>\$3,547.50</u>	<u>\$161.45</u>	<u>\$77.64</u>	<u>\$598.11</u>
total:	\$11,922.37	\$1,424.54	\$336.82	\$1,609.16

TOTAL AMOUNT OWED: \$15,292.89

Exhibit C

Exhibit C

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUSTEES of the CHICAGO REGIONAL)	
COUNCIL OF CARPENTERS PENSION)	
FUND, et al.)	
)	
Plaintiffs,)	Case No. 07 C 6156
)	
)	Judge Guzman
v.)	
)	
JOHNSON & PIPER BUILDERS, INC.)	
)	
Defendant.)	

SWORN DECLARATION PURSUANT TO 28 U.S.C.A. § 1746

Daniel P. McAnally declares as follows:

1. I am an associate of the law firm of Whitfield & McGann and am licensed to practice law in the State of Illinois and in the U.S. Dist. Court for Northern District of Illinois, Eastern Division.
2. I have personal knowledge of the facts stated herein and if called to testify in this matter, I can competently testify to such facts from my own such knowledge.
3. I have in excess of 13 years experience representing trustees of employee benefit plans, including the prosecution of Federal Court litigation to collect delinquent employer contributions.
4. The Collective Bargaining Agreement and the Trust Agreements under which this action is based provide for the payment of attorneys' fees and costs incurred if the Trust Funds utilize legal counsel to collect unpaid ERISA contributions.
5. Attorneys of this firm have devoted 7.10 hours in connection with the this case at the rate of \$165.00 / \$170.00 / \$175.00 per hour. The total attorney fees billings is \$1,221.00.

6. In addition, the filing fee was \$350.00 and the fees for service of process were an additional \$80.00. These costs total \$430.00.

7. I certify that the attached detailed attorney fees and costs totaling \$1,651.00 were necessary and reasonable.

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Declaration is true and correct.

Date: January 31, 2008

s/ DANIEL P. McANALLY

Attorney for the Trustees of the Chicago
Regional Council of Carpenters Pension Fund,
et al.

2/1/2008
2:36 PMWHITFIELD, McGANN & KETTERMAN
Slip Listing

Page 1

Selection Criteria

Case (hand select) Include: CTF-C./N7529/24103
 Slip Classification Open
 Case (hand select) Include: CTF-C./N7529/24103
 Slip Transaction Ty 1 - 1

Rate Info - identifies rate source and level

Slip ID	ATTORNEY	Units	Rate	Slip Value
Dates and Time	Activity	DNB Time	Rate Info	
Posting Status	Case	Est. Time	Bill Status	
Description	Reference	Variance		
348467 TIME	KEM	1.25	170.00	212.50
10/24/2007	Billable	0.00	T@7	
Billed G:72246 11/1/2007	CTF-C./N7529/24103	0.00		
Met with Daniel McAnally regarding referral.		0.00		
Telephone conversation with Earl E. Oliver regarding Company's financial condition and circumstances which lead to the delinquencies. Telephone conversation with Audit Coordinator Nate Lagalo regarding audit that is outstanding against the company. Follow up call with principals of the Company.				
350235 TIME	KEM	1.00	170.00	170.00
11/28/2007	Billable	0.00	T@7	
Billed G:72471 12/3/2007	CTF-C./N7529/24103	0.00		
Settlement conference with company and Trust Fund Manager James T. Rosemeyer. Review documentation relevant to claim. Review follow up correspondence from Trust Fund Manager James T. Rosemeyer regarding possible terms of settlement.		0.00		
351529 TIME	KMR	1.00	165.00	165.00
1/2/2008	Billable	0.00	T@7	
WIP	CTF-C./N7529/24103	0.00		
Appearance before Judge Guzman for status. Next status set for January 30, 2008 at 9:30.		0.00		
352572 TIME	KMR	1.00	165.00	165.00
1/2/2008	Billable	0.00	T@7	
WIP	CTF-C./N7529/24103	0.00		
Court appearance for status hearing. Next status hearing set for 1/29/08.		0.00		
352501 TIME	DPM	0.25	175.00	43.75
1/29/2008	Billable	0.00	T@7	
WIP	CTF-C./N7529/24103	0.00		
Prepare for court status/motion hearing; review file for current status and most recent		0.00		

2/1/2008
2:36 PMWHITFIELD, McGANN & KETTERMAN
Slip Listing

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Slip ID	Dates and Time	ATTORNEY Activity	Units DNB Time	Rate Rate Info	Slip Value
Posting Status		Case Reference	Est. Time	Bill Status	
Description			Variance		
activity; telephone conversation with trust fund regarding status of the litigation; review court docket to confirm that the case will be called for status.					
352707	TIME	DPM	1.00	175.00	175.00
1/30/2008		Billable	0.00	T@7	
WIP		CTF-C./N7529/24103	0.00		
Attend court appearance at the U.S. District Court for the Northern District of Illinois before Judge Guzman.			0.00		
352588	TIME	DPM	0.60	175.00	105.00
1/31/2008		Billable	0.00	T@7	
WIP		CTF-C./N7529/24103	0.00		
Telephone conversation with trust fund contributions manager, James Rosemeyer regarding status; correspondence to Earl E. Oliver, Field Representative, Chicago Regional Council of Carpenters of Trust Funds regarding calculation of liquidated damages and interest pursuant to the terms of the trust agreements and Internal Revenue Code.			0.00		
352731	TIME	DPM	2.00	175.00	350.00
1/31/2008		Billable	0.00	T@7	
WIP		CTF-C./N7529/24103	0.00		
Review court file to determine if Answer filed; review office file for Answer; confirm Answer due dates; review U. S. District Court website to verify the date and time that the presiding Judge hears motions; prepare motion for default judgment pursuant to F. Rul. Civ. P. 55 for failure to Answer or otherwise plead.			0.00		

Grand Total

Billable	2.00
Unbillable	0.00
Total	2.00

7.10

Filing Fee

Service Fee

1000.00
0.00
1000.00

\$ 1,221.00

\$ 350 -

\$ 60 -

\$ 1,651 -

STERN PROCESS & INVESTIGATION, LLC

Tax ID 04-3801615

205 W. RANDOLPH ST 1210

CHICAGO, IL, 60606

Phone (312)-853-2150

Fax (312)-853-3119

Customer

WHITFIELD, MCGANN & KETTERMAN

111 E WACKER DRIVE 2600

CHICAGO, IL, 60601

Phone: (312)-251-9700 Fax: (312)-251-9701

Invoice# 167321

Date Of Invoice: 11/21/2007

Plaintiff: The Trustees of the Chicago Regional Council of Carpenters Pension Fund et al.

Court CaseID: 07C6156

Firm# N7529/KEM

Case Returned Date: 11/30/07

County: UNITED STATES DISTRICT COURT

Process Server: Diligent Detective Agency, LTD

ProcessType: SUMMONS AND COMPLAINT

Defendant:#1 Johnson & Piper Builders, Inc .

Type Of Service: CORPORATE SERVICE

Person Served: MARTIN JOHNSON, REGISTERED

Date Of Service: 11/15/2007 Time: 4:33 PM

Sex MALE Age 38 Height 5'9" Build MEDIUM Hair Color BLACK Race WHITE

Defendant:#2

Type Of Service:

Person Served:

Date Of Service:

Time:

Sex

Age

Height

Build

Hair Color

Race

Location 502 E 3300 North , Chebanse, IL, 60922

Type Of Premise:

Delivery Charge

\$80.00

Rush

\$0.00

Bad Address

\$0.00

Filing

\$0.00

No Contact

\$0.00

Investigation

\$0.00

Database/Skip

\$0.00

Advanced fees

\$0.00

Total:**\$80.00**

Date Received

Check No

Amount Received

\$0.00

Balance Due

\$80.00

INFORMATION DEEMED RELIABLE BUT NOT GUARANTEED

PAYABLE UPON RECEIPT, 2% PER MONTH